

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

RCRev..No. 182 of 2006()

AGAINST THE ORDER DATED 31/01/2006 IN IA. 1031/2005 IN
RCA.3/2005 of DISTRICT COURT, THODUPUZHA
RCP.1/2003 of RENT CONTROL COURT,THODUPUZHA
(IA.731/05 & 916/05)
.....

REVISION PETITIONER/APPELLANT

SIVAN, S/O.GOPALAN,
ANCHAPRA HOUSE, MUTHALAKODAM KARA,
THODUPUZHA VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.ANIL GEORGE
SRI.JOBY JACOB PULICKEKUDY
SRI.PAUL MATHEW (PERUMPILLIL)

RESPONDENTS:

NEELAKANTAN RAJU,
S/O.NARAYANAN, PADMAVILASAM,
MANAKKAD VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.T.RAJESH

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD
ON 01/02/2007,THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ
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Dated this the 1st day of February 2007

ORDER

Abdul Gafoor,J

Challenge is against the order in I.A. No. 1031/2005 in R.C.A. No. 3/2005. As per the order impugned the delay of 50 days in filing the appeal was not condoned and consequently the appeal was also dismissed. Taking into account the facts of the case and the reason stated for condonation of delay and after hearing the counsel on either side, we are of the view that the delay in filing the appeal shall have to be condoned, on terms.

2. Accordingly we allow the revision, setting aside the order impugned, condone the delay of 46 days in filing RCA and direct the appellate authority to entertain and consider R.C. A. No. 3/2005 on merit, subject to the payment of a cost of Rs. 2,500/- to the counsel for the respondent within 2 weeks from today. He shall also pay entire arrears of rent accrued if any and shall appear before the Rent Control Appellate Authority, Thodupuzha

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on 19.02.2007. The appellate authority shall expedite disposal of the the RCA. In case the cost is not paid the order impugned shall stand confirmed.

The R.C. R is allowed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV

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